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December 3, 1998

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Mary Viviano
Office of Legal Services
State Bar of California
555 Franklin Street
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Re: 1998 California State Planning Report

Dear Mary:

Thank you for your timely submission of the California State Planning Report. The staff of the Legal Services Corporation's Office of Program Operations has reviewed and discussed your Report. This letter is to share with you and other planners, the Corporation's reaction to the Report and some suggestions to consider as you continue planning for an effective legal services delivery system for low-income people in California.

I. Positive Aspects of the Report

A. The Process

We are impressed with the inclusiveness of your state planning process. It appears that it has the participation of key stakeholders, including members of the organized bar, other funders, i.e., IOLTA, and other non-LSC-funded providers. It is also clear that the deliberation was guided by a set of core values reflecting those stated by LSC in its Program Letters 98-1 and 98-6. These include a commitment to make the delivery system client-centered, a commitment to work toward the goal of creating and maintaining a comprehensive and integrated delivery system, and a commitment to work collaboratively to offer clients a full continuum of services, and a commitment to integrate planning into the on-going work to better the delivery system.

On the other hand, while the end result reflects LSC guidelines, the Report itself does not clearly show how you had structured your deliberation so that input from all stakeholders was systematically solicited, considered and discussed. Were issue papers circulated? Was there a liaison between the providers' community and the various

committees of the Equal Access to Justice Commission? Who will continue to monitor the work of the Commission which, according to the Report, will have the lion's share of the work in at least three areas important to LSC and discussed immediately below.

B. The Equal Access to Justice Commission

The Report indicates that the Commission will lead efforts to (1) advocate institutional and systematic changes which will expand client access to the justice system; (2) embark on a multi-prong approach -- legislative, judicial, grass-roots -- to develop new funding sources for the provision of legal assistance to low-income people; (3) expand pro bono activities.

LSC believes that the Commission's ambitious initiatives and agenda have the potential to greatly benefit legal services in the state. However, we do not have a clear sense of the extent of participation by legal services providers in the Commission's work or the strategy the Commission will use to meet its goals or any benchmarks that the Commission has set for itself.

To be effective and comprehensive, the state planning process requires a commitment by the planners and participants to conduct regular review, analysis, evaluation and augmentation over time. Your Plan indicates this will occur. For this reason, we would like you to give us a status Report by October 1, 1999 that includes a timetable for the wide range of activities in which the state is involved. Furthermore, we believe that the Commission's goals cannot be accomplished without a small committee of legal services providers working with the Commission to ensure effective interaction and feedback, as well as planning implementation.

C. Technology

The Corporation wants to register its very positive impression of California's Plan on the issues of technology. More than any other discussion, the one on technology was informative, indicative of serious collaboration within the providers' network and, most importantly, contained a specific implementation plan. This section of the Plan gives a clear idea of the kind of improvement envisioned by the planners (development of minimum technology standards, expanding web-based legal research and web-enabled Case Management System, JNANA Expert System). Most pertinent to LSC's goal for the state planning process, California's technology plan, once in place, will most certainly create better communication, coordination, and collaboration among the providers, bringing California closer to an integrated delivery system, at least where technology is concerned.

D. Coordination of Legal Work and Training

California's Plan on Statewide Training evidences that substantive training remains a high

priority. LSC is very encouraged by the fact that local providers in the state continue to benefit from the substantive work of national support centers and the Western Center on Law and Poverty, thanks to IOLTA's financial support for these centers. In addition to the availability of training in substantive law and legal skills, the Report also makes clear that there will be a coordinated effort among all providers for training on the use of technology. Technology was also featured in the Report's section concerning coordination and sharing of information on legal work. This is precisely the kind of indicia of good planning which LSC looks for in its review of state plan: a plan setting forth new initiatives along with details on the implementing steps and on how the new initiatives will improve the delivery system.

II. Aspects of the Plan Needing further Work

A. Regional Collaboration

LSC agrees that California's regional approach to certain planning issues, such as intake, some legal work coordination, some fundraising, and configuration is a good way to make the task more manageable. LSC agrees that the proposed five regions contained in the Report make sense. However, it appears that the planners did not make much progress beyond establishing the boundaries of the regional clusters. The Plan's portion on Regional Collaboration does not contain a strategic plan to achieve specific goals in each region. And, while the collaboration between LSC and non-LSC funded providers throughout the state is laudable, we wonder why LSC-funded providers are not engaged in that level of collaboration with each other.

There are some promising joint projects, such as the computerized legal research collaboration of the five programs in the Southern region, which has led to significant cost savings. The statement that "Their work is the model for negotiation of a statewide agreement" would be more effective had the planners attached a timetable for implementation and appointment of an oversight committee to ensure implementation. The Health Ombudsman project, which has the participation of five LSC-funded programs, was cited as an example of coordination. While it is true that all participating programs are working on the same issue, it is not clear that the coordination, if there is any, may not have been imposed on them by the funding entity.

B. Configuration

LSC believes that the programs' failure to discuss configuration within each region has impeded effective planning. LSC expects that in next year's Progress/status report, an in-depth analysis of configuration within the regions will be included. A rhetorical statement of factors to consider in the event of merger will not be acceptable. The existing configuration has been in existence for a long time. Programs should be able to analyze the pros and cons of configuration in the context of whether it impedes development of an integrated delivery system throughout the state.

III. How State Planning Influences LSC's Funding Decisions

A. The Northern Region and California Indian Legal Services

The willingness to consolidate by the Legal Services of Northern California (LSNC) and Redwood Legal Assistance (RLA), which make up the Northern Region, demonstrates a clear commitment to better client service. The strong leadership and highly experienced staff of LSNC will help improve the quality of client service in the very small RLA whose past efforts to provide reasonable client service, in terms of access and quality, have been frustrated by its small size, its lack of resources and its isolation. At the same time that it engaged in merger negotiations, LSNC has fully participated in the state planning process, including contributing to statewide advocacy, such as maintaining the primary statewide legal research Website for the benefit of all programs in the state. LSNC is to be commended for its "just do it" approach and commitment to pursuing a better delivery system.

Because its clients are found in all counties in the state, as well as in the 101 Indian reservations in California, California Indian Legal Services (CILS) has been in the forefront of encouraging and implementing initiatives which would benefit clients statewide. It has a sophisticated understanding and expertise in technology, and has shared this with other programs. Because its client population is unique, CILS could have chosen to operate in an isolated manner. Instead, to its credit, it has actively engaged in the state planning process.

For these reasons, LSC will provide LSNC, RLA¹, and CILS three-year funding to enable them to focus on further improvements to the delivery system in their respective areas. This does not mean that these programs are excused from the on-going state planning process. If anything, these programs are in a good position to contribute more to the planning process.

B. The Central/Rural Region; The Southern Region & The Southernmost Region

While there are some significant on-going collaborative projects, such as the computerized legal research in the Southern Region, and the Central/Rural's planned pilot joint intake project, mostly what is contained in the Plan are "plans to plan." There is no sense that regional planning is organized or ongoing. Nonetheless, given that these regional groupings are recent developments, and what are viewed as vague joint projects in October 1998 may materialize into effective joint

¹ RLA's funding will be conditioned upon an April 1, 1999 completion of the merger with LSNC.

efforts in the coming months, LSC will be providing programs in these three regions two-year funding with the full expectation that the regions work out a specific plan of action outlining the steps each region will take to effect a better coordinated delivery system. LSC also hopes that each region will take a look at the issue of configuration within its region, and honestly answer the question: "Does the current configuration interfere with the effective and efficient delivery of legal services?"

C. Bay Area

Of the five regions, the plan for the Bay Area region is most disappointing. While there is some proposed inter-program collaboration, there is no sense the effort is organized or ongoing, or that an integrated system is desired. For the most part, this section discusses individual program activities; and while it discusses one Bay Area joint project -- intake -- for the six Bay Area recipients, the Report persists in describing most other collaborative efforts along geographical boundaries dividing the Bay Area into four sub-areas: San Francisco, East Bay, South Bay and North Bay. The proposed Bay Area wide intake project has been debated at length without producing any concrete outcome. The Report indicates that "the programs have agreed to pool significant financial and human resources and jointly raise funds for the purpose of creating a pilot Intake project..." but there is nothing further, e.g., a budget, current contributions, how much needs to be raised, timetables, or assignment of responsibility.

Given the close proximity of the Bay Area programs to one another, as well as their common status as LSC-funded providers, and the overlapping membership of private attorneys in bar associations, the Bay Area's Plan should have included more examples of ideas and plans for coordination aimed at strengthening client services in the Bay Area LSC system. The lack of action and concrete planning, and the decision not to consider the possibility of reconfiguration (except for the possible merger between North Bay and Contra Costa) evidences lack of conviction on the part of the Bay Area programs to an integrated and comprehensive delivery system.

Thus, LSC has decided to provide the entire Bay Area region with one-year funding and, subsequently, fund a single Bay Area service area for the year 2000. We believe that a consolidated regional program will facilitate further coordination and integration with the extensive network of non-LSC-funded providers, and bring about higher quality legal services for clients in the entire Bay Area.

IV. Progress/Status Report

California's 1998 State Plan Report contains a large amount of information concerning significant statewide initiatives and activities aimed at achieving a high level of statewide capacity in technology, access to the justice system, pro bono work, and resource development. These initiatives, if successful, will result in a more comprehensive and integrated delivery system for

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California, at least in these specific areas. However, while promising and laudable, there is often no specific timetable for activities and goals. Moreover, most regional planning efforts, which are entrusted with the task of addressing many other issues, such as intake and coordination of legal work, suffered from the same lack of specificity characterizing the overall state plan. Further, as indicated above, the regions did not take a serious look at the existing configuration, thus overlooking the possible impediments to an integrated delivery system caused by existing program boundaries.

It is LSC's expectation that if programs work toward a progress/status State Plan Report to be filed with LSC by or before October 1, 1999, it will help the state further crystallize its plan of action, and set a reasonable and realistic implementation timetable for the realization of an effective statewide delivery system which the 1998 State Plan Report has cited as among its guiding principles.

Having worked with many of you throughout this year, I appreciate the large amount of work which you have invested in the planning process. I also know that there exists in California a very real commitment to high quality client service. Given the work of the Equal Access to Justice Commission, the unwavering support of the State Bar of California, in spite of its own internal upheaval, hopefully a healthy IOLTA program, and the significant statewide initiatives that are being pursued, we believe that California is well on its way to achieving an effective statewide delivery system. We look forward to working with you during the coming year to develop a more focused implementation timetable and give closer consideration to the question of how configuration of programs within the regions affects development of a strong, high quality statewide delivery system.

Thank you. Please feel free to call me at (202) 336-8946.

Sincerely,

/s/

Anh Tu, Program Counsel
Office of Program Operations

cc: Laurie Zelon, Equal Access to Justice Commission
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